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RESOLUTION NO. 10-001

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 16, SANITARY SEWER NO. 23 (ALONG ARKANSAS AVENUE, NORTH OF I-235 FREEWAY) 468-84149 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 1, MAIN 16, SANITARY SEWER NO. 23 (ALONG ARKANSAS AVENUE, NORTH OF I-235 FREEWAY) 468-84149 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-051 adopted on February 7, 2006 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 1, Main 16, Sanitary Sewer No. 23 (along Arkansas Avenue, north of I-235 Freeway) 468-84149.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Six Hundred Fifty Thousand Dollars (\$650,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after September 1, 2005, exclusive of the costs of temporary financing.

That, in accordance with provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to in the amount of Seventy-Five Thousand Six Hundred Forty-Six Dollars (\$75,646).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

J.B. MULLER ADDITION

Lots 1 through 14, Inclusive
Lots 19 through 27, Inclusive

ARK VALLEY PARK ADDITION

Lot 1, Block 1
Lots 1 through 6 Inclusive, Block 2
Lots 1 through 9 Inclusive, Block 3
Lots 1 through 8 Inclusive, Block 4
Lots 1 through 3 Inclusive, Block 5
Lots 1 through 5 Inclusive, Block 6

SUBURBAN ACRES ADDITION

Lots 1 through 25, Inclusive

RIVERSIDE ACRES ADDITION

Lots 1 through 3, Inclusive
Lots 14 through 18, Inclusive
Lot 34

UNPLATTED TRACTS

in Sec. 29, Twp 26S, R1E

Beginning 1472.64' N of the SW corner of the NE 1/4; thence N 75', E 575', S 75', and W 575' to the point of beginning except the W 40' for street. (A-294-UP)

Beginning 1103.9' N of the SW corner of the NE 1/4; thence E 435.6', N 100', W 435.6', and S to the point of beginning. (A-265-UP)

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 5th day of January, 2010.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)